

REMARKS

Please reconsider this application in view of the above amendments and the following remarks.

- Claims 1-20 are pending.
- Claims 1-20 are rejected.

The above amendments to the specification correct typographical errors. Therefore, these corrections do not amount to new matter.

"In accordance with one aspect of the embodiments of the present invention, a medical device, such as a stent, is provided having a TiN_xO_y compound implanted at a depth within at least a region of a surface of the stent."¹ "The depth of the implanted TiN_xO_y compound can be [up to] 2000 angstroms from the surface of the stent."²

As can be seen from the above quotations from this application, Applicants' invention teaches that the Ti-containing compound be implanted into the stent surface and, in some embodiments, that the implantation can be up to 2000 angstroms deep.

Art Rejections

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Windecker et al. (Circulation, August 21, 2001; 104:928-933). Windecker et al. disclose TiN_xO_y compound and method as claimed for coating a stent (see the whole document).

Claim 1 reads as follows:

1. (Original) A stent comprising a TiN_xO_y compound **implanted at a depth within** at least a region of a surface of the stent.

¹ Paragraph 5 of the patent application.

² Paragraph 5 of the patent application.

Windecker does not disclose that any portion of its Ti-containing compound is implanted beneath the surface of the stent. Therefore, Windecker does not teach each and every element of claim 1, as filed.

The remainder of claims 2-8 all depend from claim 1; therefore, they are patentable for at least the same reasons as given above for claim 1.

Claim 9 has been rejected as described above. The Examiner is silent regarding layers of Ti, N, or TiN disposed beneath a layer of TiN_xO_y .

Claim 11 has been rejected as described above. The Examiner is silent regarding the TiN_xC_y -compound limitation of claim 11.

Claim 19 has been rejected as described above. The Examiner is silent regarding layers of Ti, N, or TiN disposed beneath a layer of TiN_xO_y .

Claim 20 has been rejected as described above. The Examiner is silent regarding the TiN_xC_y -compound limitation of claim 20.

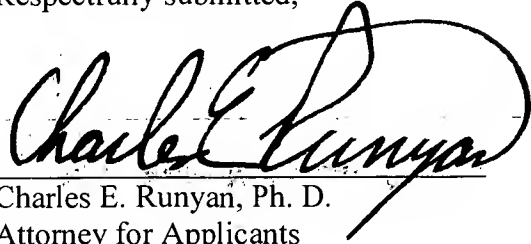
Applicants are entitled to have all of the claims examined, not just the first claim. It appears to Applicants that the Examiner has not considered claims 9, 11, 19, or 20, or the claims that depend from these claims individually. Therefore, Applicants requests that each of the specific limitations in these claims be discussed in the next Office Action, if the Examiner persists in the rejection of these claims over the cited art. Also, since Applicants have not had an opportunity to deal with a prima facie case of unpatentability for these claims, Applicants requests that the next Office Action not be made final. This will give Applicants an opportunity to refute the rejection of these claims, as appropriate.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If I can be of any help, please contact me.

Respectfully submitted,

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A handwritten signature in black ink, reading "Charles E. Runyan". The signature is written in a cursive style with a large, looping "C" and "R".

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